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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,947

02/11/2004

John Denyer

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EXAMINER

PHAM, TOAN NGOC

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/776,947	Applicant(s) DENYER, JOHN	
	Examiner Toan N. Pham	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, 9 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Arrowsmith et al. (US 5,777,549).

Regarding claims 1, 8 and 14: Arrowsmith et al. discloses an alarm monitoring for a network element in a communications network, the method comprising providing to a user a predefined alarm template having a plurality of alarm profiles for a facility type, each of the alarm profiles defining a reporting state for each of a plurality of alarm types; and selecting one of the alarm profiles for an instantiation of the facility type in the network element (col. 3, line 66-col. 4, line 17; col. 5, lines 7-10).

Regarding claims 2, 9, 15 and 17: Arrowsmith et al. discloses editing the reporting state of at least one of the alarm types in the selected alarm profile (col. 9, lines 13-22).

Regarding claim 16: Arrowsmith et al. discloses each of the profiles for one of the predefined templates defines a threshold value for each of a plurality of performance parameters (col. 5, lines 7-11; col. 6, lines 11-32)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arrowsmith et al. (US 5,777,549).

Regarding claims 3-5, 10 and 11: Arrowsmith et al. discloses the alarm may be edited, selecting the alarm profile and modifying its menu (col. 3, line 66-col. 4, line 17; col. 5, lines 7-10; col. 9, lines 13-22). Arrowsmith et al. does not disclose the alarm profile being enabled, inhibited or the alarm cannot be edited; however, these features are merely a matter of programming preferences. Since Arrowsmith et al. discloses the inventive steps above, one of ordinary skill in the art would recognize that a system may be programmed based on one's preferences.

Claims 6, 7, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arrowsmith et al. (US 5,777,549) in view of Ito et al. (US 6,985,831).

Regarding claims 6, 7, 12 and 13: Arrowsmith et al. does not disclose the default alarm profile. Ito et al. discloses a monitoring system in which an alarm may use a default profile (col. 16, lines 5-9). At the time of the invention, it would have been obvious to one of ordinary skill in the art to utilize a default alarm as taught by Ito et al. in a system as disclosed by Arrowsmith et al. for providing a fail-safe or back-up alarm.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Arrowsmith et al. (US 6,373,383), Arrowsmith et al. (US 6,064,304), Malik et al. (US 6,349,306), Beheshti et al. (US 5,955,946), and Staub et al. (US 6,891,930) are cited to show a variety of network alarm systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N. Pham whose telephone number is (571) 272-2967. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 18, 2006

TOAN N. PHAM
PRIMARY EXAMINER

